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LETTER DATED 2 NOVEMBER 1994 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached report which was addressed to me on 2 November 1994 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro). This report by the Co-Chairmen contains the certification referred to in paragraph 3 of Security Council resolution 943 (1994) (see para. 27).

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

Operations of the International Conference on the Former Yugoslavia Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro)

Report of the Co-Chairmen of the Steering Committee

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 3 of Security Council resolution 943 (1994), adopted on 23 September. In that resolution the Security Council requested that the Secretary-General submit every 30 days for its review a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the border closure measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

2. It will be recalled that, on 4 August 1994, the following measures were ordered by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to come into effect the same day:

(a) "To break off political and economic relations with the Republica Srpska;

(b) "To prohibit the stay of the members of the leadership of the Republic Srpska (Parliament, Presidency and Government) in the territory of the Federal Republic of Yugoslavia;

(c) "As of today the border of the Federal Republic of Yugoslavia is closed for all transport towards the Republica Srpska, except food, clothing and medicine."

3. On 19 September 1994 and on 3 October 1994, the Secretary-General transmitted to the Security Council reports from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the state of implementation of the above-mentioned measures (S/1994/1074 and S/1994/1124). The report dated 3 October 1994 contained the following certification from the Co-Chairmen:

> "Based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. Bo Pellnås, and in the absence of any contrary information from the air, whether airborne reconnaissance system of the North Atlantic Treaty Organization (NATO), or from national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is meeting its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces".

Developments in the past 30 days are dealt with below.

II. LEGISLATION/REGULATIONS ON THE BORDER CLOSURE

4. The legislation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) closing the border with the Bosnian Serbs continues in force. No new legislation or decrees have been issued. However, following a considerable amount of liaison work between the authorities and the Mission to improve the routines and procedures of the customs authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), some customs officers have been changed and the cooperation and efficiency of customs officers improved.

III. ORGANIZATION, FINANCING AND WORK OF THE MISSION

5. As of 2 November, 118 international personnel were on duty with the Mission. The Mission personnel to date have come from Belgium, Canada, the Czech Republic, Denmark, Germany, the European Union, Finland, France, Ireland, Netherlands, Norway, Portugal, the Russian Federation, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

6. Since the start of the Mission, 16 members have completed their contracts and left the Mission area. They have not been replaced by the countries from which they came. Another 12 members will arrive from Canada between 4 and 11 November. Twenty additional members from the United States, as well as 20 from the Sanctions Assistance Missions Communication Centre (SAMCOMM), Brussels are confirmed but their date of arrival is not yet known. The delay in the arrival of the Mission personnel promised has forced the Mission to change its operational procedures slightly. Caravans have been provided to all border crossings and members of the Mission are currently required to stay on duty on these points for 12 hours at a time. With time for transport, this means that the Mission members still have at least 14 working hours per day. With this, however, it has been possible to cover the main border crossings 24 hours a day despite the shortage of personnel.

7. The Mission is still operating under tight financial constraints. At a meeting of the Expanded Steering Committee of the International Conference on the Former Yugoslavia, held on 5 October 1994, the following decisions were taken regarding the financing of the Mission:

(a) Costs for personnel should be covered by the sending State;

(b) Voluntary contributions to the common costs were welcome;

(c) Residual common costs should be financed through assessed contributions.

8. The following pledges of voluntary contributions have been made:

(United States dollars)

Canada	100 000	
Denmark	100 000	
Norway	100 000	
Sweden	100 000	
Switzerland	150 000	(in the form of airlifts Geneva-Belgrade)
United States	400 000	
United States	500 000	(in the form of communications equipment)

The following funds have actually been received:

Canada	100 000	
Denmark	100 000	
Norway	100 000	
Switzerland		15 airlifts Geneva-Belgrade
United States	400 000	

9. On 1 November a note was sent to members of the Expanded Steering Committee asking that countries wishing to make further voluntary contributions inform the secretariat of the Conference by 17 November 1994. Voluntary contributions pledged by 11 November 1994 will be set off against the projected budget for the Mission.

IV. FREEDOM OF MOVEMENT OF THE MISSION

10. The Mission continues to enjoy freedom of movement within the Federal Republic of Yugoslavia (Serbia and Montenegro). A matter of concern has been the difficulty the Mission encountered to enter a factory compound with a connecting bridge at Raca 5 kilometres north-west of Briboj. The bridge, however, was under observation and from 20 October it was watched 24-hours a day. On 21 October, Mission members were allowed to enter and to see the complete complex. The Mission Coordinator personally visited the factory on 27 October.

11. On a few occasions, members of the Mission have been threatened by people crossing the border check-points. In the assessment of the Mission Coordinator, this may indicate that the efforts made by the Mission are having an impact and are making life difficult for smugglers. Negative reactions have also been experienced on two occasions at the packing centres in Belgrade and Niksic.

V. COOPERATION OF THE AUTHORITIES OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) WITH THE MISSION

12. In the assessment of the Mission Coordinator, the cooperation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be satisfactory. While minor problems may still exist at the local and lower levels - and will probably continue to do so - this, in the assessment

of the Mission Coordinator, does not influence or change the overall broadly satisfactory picture.

VI. INFORMATION RECEIVED FROM NATIONAL AND OTHER SOURCES

13. The Mission Coordinator has made a standing request to Governments possessing the technical capacity to provide it with information relevant to its mandate. The Coordinator has received some such information and measures have been taken to follow-up and to check the information received. The operating principle of the Mission is to base itself on its own observations and on information that it has verified.

VII. PROBLEMS ENCOUNTERED AND REPRESENTATIONS MADE TO THE AUTHORITIES

14. As the cooperation between the Mission and the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) results in improved control along the border, the number of detected smuggling attempts consequently rises.

15. In the northern part of the border between Serbia and the territory held by the Bosnian Serbs, the main problem being encountered is the sometimes rather intensive traffic across the border, with small-scale attempts at smuggling in cars and buses. At some of the border crossings, the quality of the work carried out by the customs officers has occasionally not been satisfactory.

16. A small passenger train, which on some occasions in the past was used between Sremska Raca and Bijeljina, has, at the request of the Mission, been stopped.

17. Freight trains between Belgrade and Bar, in Montenegro, which pass through the territory held by the Bosnian Serbs for about 12 kilometres, have now started to be controlled and sealed by the Mission at stations on each side of the border. This control, however, demands quite a lot of personnel and consequently constitutes a strain on Mission resources.

18. In Montenegro, efforts to smuggle goods across the border appear to be better organized than in Serbia. What seems to be attempts by individuals in the northern part of the Mission area is here carried out by companies bringing truckloads to the border. On four occasions trucks have been found trying to bypass border controls. On 13 October, 10 trucks managed to bypass the check-point at Ilijino Brdno and on 21 October another 3 trucks also passed into Bosnia. On a number of occasions, however, trucks have been intercepted by the police, the goods confiscated and drivers arrested. The Mission has raised these concerns with both the Federal Republic of Yugoslavia (Serbia and Montenegro) and Montenegrin officials. The Mission Coordinator discussed the matter during a meeting he had with President Bulatovic of Montenegro. As a result, efforts to block bypassing more effectively are continuing and will eventually prevent further attempts by smugglers to avoid the border check-points. At present those efforts are contested by local individuals, destroying

steel bars that were erected. Measures will therefore continue to be taken that hopefully will discourage any attempt to reopen these tracks.

19. A number of "duty free shops" along the border in Montenegro dealing mainly in cigarettes have, at the request of the Mission, been closed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

20. On 14 October International Conference on the Former Yugoslavia members reported a helicopter flying at low altitude into the territory held by the Bosnian Serbs at Krstac in Montenegro. Information concerning possible helicopter flights across the border into Bosnia and Herzegovina was submitted to the Security Council on 25 and 27 October (see S/1994/5/Add.75, annex I, serial Nos. 3015-3018, annex II, serial No. 3007, and S/1994/5/Add.76, annex I, serial Nos. 3027 and 3028; annex II, serial No. 3026).

21. The Co-Chairmen have taken a very serious view of this and discussed the matter in detail with President Milosevic during a meeting with him in Belgrade on Wednesday 26 October 1994. President Milosevic replied that the allegations were being investigated and that the results would be communicated to the Mission. He insisted that no such flights took place with the consent, knowledge or acquiescence of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). He emphasized that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) were resolute in their determination to enforce the border closure. He added that it was not in the interest of the Federal Republic of Yugoslavia (Serbia and Montenegro) if unauthorized helicopter flights were confirmed. He informed the Co-Chairmen when they saw him again on Friday, 28 October, that a double control system had since been instituted for any military or police helicopter flight. Furthermore, special elements of the police had been placed in the area of the Tara mountains, where some of the helicopter flights were reported to have taken place, in order to guard against any possibility of unauthorized conduct going against the express instructions of the Government to close the border. President Milosevic reaffirmed that the policy of the Government was to seal the border against the Bosnia Serbs, except for food, clothing and medicine.

22. On 31 October, the Mission Coordinator was called in by President Milosevic to discuss the issue of the helicopter flights. President Milosevic once again confirmed his resolve to control the border and reiterated the measures he had undertaken to achieve that goal. He informed the Mission Coordinator that the investigations were still going on, that some changes of personnel had been made and that the means of control and of technical surveillance of the border had been strongly reinforced. He assured the Mission Coordinator that the control of Serbian and Montenegrin airspace now would make it impossible to fly any unannounced flights. Any aircraft making such an attempt would be detected and forced to land. The Mission Coordinator's assessment as of 2 November is that:

> "Notwithstanding the fact that reported helicopter flights as well as trucks passing the border constitute violations of the border closure, I conclude that the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to meet its commitment to close the border towards the Bosnian Serbs. The measures that the authorities have said they are taking, would take, should be satisfactory. During the following 30-day period,

the International Conference on the Former Yugoslavia Mission will try to verify if these measures, especially those with regard to control of the airspace, are effective and suited to preventing further violations of this kind."

VIII. REPRESENTATIONS ON BEHALF OF HUMANITARIAN ORGANIZATIONS

23. The Mission Coordinator has sought to assist the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) in their efforts to get the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to implement the border closure in such a manner as would not adversely affect their ongoing programmes in eastern Bosnia. On 6 October 1994, the Co-Chairmen received from the UNHCR Special Envoy for the Former Yugoslavia a copy of a letter sent that day to the Foreign Minister of the Federal Republic of Yugoslavia (Serbia and Montenegro) on difficulties being encountered by UNHCR. The Special Envoy's letter stated that, as a result of measures adopted by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Federal Customs Authorities had begun denying passage to humanitarian assistance other than food, medicines and clothing. The Special Envoy continued:

> "Other types of humanitarian assistance have been a part of UNHCR humanitarian assistance programme in all areas of Bosnia and Herzegovina since its inception, as they are of the programmes of ICRC and other humanitarian organizations. All such assistance has the approval of the Committee established by Security Council resolution 724 (1991). I should be most grateful if you would take action to ensure that the decision restricting passage across your border with Bosnia and Herzegovina welcomed by the Security Council in resolution 943 (1994) does not have the incidental, and I am sure unintentional, effect of also restricting the delivery of legitimate humanitarian assistance approved by the Security Council".

24. On 6 October 1994, the Co-Chairmen wrote to the Foreign Minister of the Federal Republic of Yugoslavia (Serbia and Montenegro) referring to the above-mentioned letter of the Special Envoy of UNHCR, asking him to use his good offices to help UNHCR and ICRC to continue their humanitarian activities. The Co-Chairmen asserted:

> "The general principle that UNHCR and ICRC, as international humanitarian organizations operating within the framework of Security Council resolutions, should not in any way be impeded in their humanitarian activities by the measures announced by the Government of the Federal Republic of Yugoslavia on 4 August 1994".

25. Based on representations from UNHCR and a letter dated 19 October 1994 received from the Chairmen of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia, the Co-Chairmen discussed the matter with President Milosevic during meetings in Belgrade. On 20 October 1994, the Co-Chairmen handed over to President Milosevic a letter on

the subject written to him, with the Co-Chairmen's full support, by the High Commissioner for Refugees, Mrs. Ogata. President Milosevic said he would look into the issue. The Mission Coordinator discussed the issue with President Milosevic on 31 October. President Milosevic indicated his willingness to find a solution to the problem. The Mission Coordinator will meet the Director of Customs of the Federal Republic of Yugoslavia (Serbia and Montenegro) and representatives of UNHCR and ICRC on 3 November to discuss the issue.

IX. TRANSIT TRAFFIC

26. The procedures for traffic transiting the territory held by the Bosnian Serbs into the territory held by Serbs in Croatia have now been firmly established. Transports are divided into two categories, one consisting of humanitarian aid (described as "food, clothes and medicine") and the second being fuel. The first is handled by the International Conference on the Former Yugoslavia Mission as all other humanitarian aid, which means that it is checked and loaded under International Conference on the Former Yugoslavia observation and then sealed by the Mission. Because of the nature of the goods transported on these trucks, it has not been deemed necessary to take special measures to control the delivery in Croatia. The second category, fuel, is transported on 52 specially designated trucks, all provided with "tachometers". Normally, convoys of some 20 trucks, escorted by police, transit into Croatia. The tachometers are sealed by the Mission when trucks leave Belgrade two or three times a week, and are removed by the Mission when the trucks return to the starting-point. The first sets of recovered print-outs from the tachometers were sent to the United Kingdom on 1 November for analysis.

X. CERTIFICATION

27. In the light of the foregoing developments during the past 30 days, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. Bo Pellnäs, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of the North Atlantic Treaty Organization (NATO) or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces.